force as the Regulation. That statement you have already received from me.

Mr. T. K. Krishna Menon.—How is it that the Member questions the decision of the President? It will be stultifying the dignity as well as the order of the President, if, even for a moment, his decision is permitted to be questioned.

Mr. K. T. Mathew.—I am not questioning the ruling of the President. It is an appeal which I make to the President.

The transaction of official business on a non-official day.

President.—Now, with regard to the point of order of Mr. Kunjunni Raja, my ruling is likely to create a precedent.

Mr. K. T. Mathew.—The point raised by the Jenmi Constituency is quite right. The section is quite clear regarding that. There are certain days for Government business, and Government business should not come on other days. If they are taken up on days allowed for non-official business, we do not get time to do the non-official business.

Mr. T. K. Krishna Menon.—The Diwan allots days for official as well as for non-official business, and he has also authority to alter them.

Mr. K. T. Mathew.—But due intimation to that effect should be given to the Council.

President.—Has not due intimation been given to the Council?

Mr. T. K. Krishna Menon.—Should the Member be told in so many words that the Secretary had received official order on the subject? As for due intimation to the Council, is it not enough, if the Secretary sends the agenda paper which will show that he has got that order?

President.—Do you like to say anything on the matter, Dr. A. G. Menon?

Dr. A. G. Menon.—I think Government business takes not only 3 or 4 days, when big Bills are taken. The Government is always taking more time, and thereby the non-official business suffers to a great extent. That is the reason why I suggested last time, when the Civil Procedure Code Amendment Bill was brought in, it must be placed before a special sitting.

President.—That will not come up to-day. The point is whether any Government business can be taken up on a day allotted for non-official business. But to-day we have to lay down a ruling for our guidance in future.

Mr. K. T Mathew.—May I know what the Diwan, the President and the Secretary have to do regarding this matter

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of preparing the agenda ? The rule lays down that the Secretary is to arrange the business.

Mr. T. K. Krishna Menon.—He does so under Standing Orders 6 (1) and 71.

President.—First, we have allotted 2 days for official business and 3 days for non-official business. It is the Diwan who is to make the allotment, and it is open to him to bring in Government business on non-official days. In this particular case, the Diwan has done so. If that is the question put, I must say it is in accordance with the order passed by the Diwan to that effect.

Mr. T. K. Krishna Menon.—This Government business was put in the original programme itself, i. e., the agenda. This is not one put in the supplementary agenda.

Dr. A. G. Menon.—We cannot hear the Secretary, Sir, since his changing of seat. I request that he may be asked to occupy his original place, now there is a *punka*.

Mr. T. K. Krishna Menon.—My health is mine and not the Member's, and I must guard it.

Mr. C. A. Kunjunni Raja.—When there is a definite communication to all the Members, should there not be some correspondence that these days have been changed? To say that the President has seen the agenda, the Diwan has seen the agenda, that is no change of allotment of days.

Mr. T. K. Krishna Menon.—Well, the original is the provisional list, and is only provisional. The agenda is the more important affair; and in the agenda it is included; and it is included with the consent of the Diwan.

President.—Which is the provisional list you refer to?

Mr. T. K. Krishna Menon.—That is a list which is sent 14 days before the commencement of a meeting, according to Standing Order 3 (2).

President.—Was this included in this list with the Diwan's concent when it was sent to Members?

Mr. T. K. Krishna Menon.—This was included in the agenda, when it was sent to the Diwan for sanction. And the rule only lays down that a list of business should be circulated by the Secretary in time; and that is the agenda, and it contained this business.

President.—The only question is, if alteration can be made, and if so, by whom? It is the fundamental principle of the application of mind in a particular matter before a particular decision is arrived at. Whether the Diwan can give only two days for official business and 3 days for non-official business—that is

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the question. Now an urgent official business suddenly comes in; and so he must put in that on some day now allotted to non-official business. Whether, as a matter of fact, he did so, is the point. I think it seemed to me more or less a clear case that I applied my mind and wanted this business to be done here on a non-official business day. Although we have allotted 3 days for non-official business—namely Thursday, Friday, and Saturday—this business being an urgent matter, may be put in for Saturday. Nevertheless, it (this business) has the passive consent of the Diwan, and, therefore, I think Mr. Kunjunni Raja's point of order is not in order.

Mr. K. T. Mathew.—May I know whether such an order would be sent by the Diwan in future at least?

President.—Is it necessary?

Mr. K. T. Mathew.—The Government may put in that business on days allotted for official business.

President.—The Diwan changes the allotment of days without consulting you. But due intimation is given to you.

Dr. A. G. Menon.—The Diwan has no right to change the allotment of business. It is the President who has the right.

President.—It is the Diwan who has the right.

Mr. K. T. Mathew.—Which business will have precedence? Government business or non-official business?

President.—That is also a matter for the Diwan to decide. The rule is "the Diwan, after considering the state of business of the Council, shall, at the commencement of each session, allot as many days as are in his opinion compatible with the public interests for the business of the non-official Members in the Council, and may, from time to time during the session, alter such allotment, and on these days such business shall have precedence" Whenever the Government find that it has some business, it is put in, and such business shall have precedence.

Mr. M. K. Raman.—When certain days are set apart for non-official business, non-official business should be given precedence on those days.

President.—Then non-official business is to come in on those days. But there is this; Government business must go in on that day. When such an alteration in the allotment is made, Government business must have precedence. The question of time at the disposal of the House need not be considered. That is the point.

Mr. K. T. Mathew.—Are we not entitled to get notice from the Government?

President.—There was aufficient notice.

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Mr. K. T. Mathew.—When the business is changed?

President.—How many days before do you get this agenda?

Mr. K. T. Mathew.—We got the provisional list 14 days before.

President.—You got the agenda also. How many days before?

Mr. K. T. Mathew.—Three days before.

President.—In that case you have been given sufficient notice of the alteration.

Mr. C. A. Ouseph.—Is there any point of order in asking whether the Diwan has given sanction? None. If the Diwan has altered the original arrangement, then, it is a question of fact. Then, nothing can be done now.

President.—There is a wrong basis, and we have to see what are the facts that will be supported by evidence. Then, we will also have to go by evidence.

Mr. C. A. Ouseph.—We do not want the facts to be discussed.

President.—Anyhow, I rule Mr. Kunjunni Raja's point is not in order.

Voting of Demands for Supplementary grants.

Demand XV—Law and Justice — Rs. 150.

Mr. K. Achyuta Menon.—Sir, I rise to move for an additional allotment of Rs. 150 under "XV-Law and Justice, B (2) District Courts—Office expenses and Miscellaneous". Of the total allotment of Rs. 1,100 under the head, Rs. 500 was set apart for expenses in the Anjikaimal District Court. All but a sum of Rs. 7 has been expended, and a balance that now remains is hardly sufficient for meeting the requirements of the rest of the year. The excess expenditure has been mainly due to two non-recurring charges, viz., the purchase of Law books for Rs. 223-4-0 and an office clock for Rs.40-13-0. There has also been some excess under the recurring charges of fees paid to Vakils for defending the poor accused in Sessions Cases and the cost of printing judgments. As shown above, an additional fund of Rs. 300 in round figures is required for meeting all the charges of the current year under the head; but a sum of Rs. 150 has been found by transfer from the allotments under the same head in the Trichur District Court and also from the head "District Courts witness *batta*". The balance of Rs. 150 is now sought for as supplementary grant, there being no other source to secure this amount. I may inform the House that the Standing Finance Committee has approved this demand.

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